

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:)	
)	COMPLAINT NO. R9-2002-0280
SOUTH COAST WATER)	FOR
DISTRICT)	ADMINISTRATIVE CIVIL LIABILITY
)	
NONCOMPLIANCE WITH)	
ORDER NO. 96-04 AND)	
CALIFORNIA WATER CODE)	DECEMBER 16, 2002
SECTION 13267)	
_____)	

SOUTH COAST WATER DISTRICT IS HEREBY NOTIFIED THAT:

1. South Coast Water District is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (SDRWQCB) may impose civil liability under Sections 13268 and 13350 of the California Water Code.
2. A public hearing on this matter before the SDRWQCB has been scheduled at the SDRWQCB meeting on February 5, 2002 at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, South Coast Water District will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the SDRWQCB. Additional notice of this public hearing and the hearing procedures will be provided to South Coast Water District prior to the hearing date with the agenda for the SDRWQCB meeting on that date.
3. At the hearing, the SDRWQCB will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. South Coast Water District failed to develop, implement and maintain a Sanitary Sewer Overflow Prevention Plan for 233 days in violation of Provision B.5 of Order No. 96-04.
5. South Coast Water District failed to provide required information requested under the authority of California Water Code Section 13267 resulting in 128 days of violation.
6. South Coast Water District failed to submit complete sanitary sewer overflow reports for sewage spills occurring on July 17, 2001, December 7, 2001 and August 13, 2002 in

violation of Section B.1.e. of Monitoring and Reporting Program No. 96-04 for a total of 3 days of violation.

7. South Coast Water District failed to report a December 23, 2001 sewage spill to the SDRWQCB that resulted in contamination and loss of beneficial uses of Monarch State Beach and Salt Creek State Beach for four days, until three days after the required 24-hour reporting period established in Addendum No. 5 to Order No. 96-04, resulting in 3 days of violation.

PROPOSED CIVIL LIABILITY

8. Based on consideration of the factors listed in Section 13227 of the California Water Code, as described in *Technical Analysis Supporting Administrative Civil Liability Against South Coast Water District for Failure to Comply With Order No. 96-04, General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewering Agencies, December 9, 2002*, civil liability should be imposed on South Coast Water District by the SDRWQCB in the amount of \$136,100, based on the following:
 - a. \$400 per day for violation of Provision B.5 of Order No. 96-04 for failure to develop, implement, and maintain a Sanitary Sewer Overflow Prevention Plan for 233 days.
 - b. \$300 per day for violation of California Water Code Section 13267 for failing to provide required information for 128 days.
 - c. \$500 per day for violation of Section B.1.e. of Monitoring and Reporting Program No. 96-04 for failure to submit complete sanitary sewer overflow reports on 3 separate occasions for 3 days of violation.
 - d. \$1,000 per day for violation of Addendum No. 5 to Order No. 96-04 for failure to report a sanitary sewer overflow until 3 days after the required 24-hour notification period for 3 days of violation.

WAIVER OF HEARING

South Coast Water District may waive its right to a hearing. Waiver of the hearing constitutes admission of the validity of the allegation of violations in this Complaint and acceptance of assessment of civil liability in the amount of \$136,100 as set forth in paragraph 8. If South Coast Water District wishes to waive the hearing, an authorized agent must check, sign, and return the waiver form attached to this Complaint, together with a cashier's check for the amount of civil liability proposed in paragraph 8. The cashier's check must be made payable to the State Water Resources Control Board and mailed to the California Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, California, 92123. If a hearing is held, comments

from South Coast Water District and interested parties may be considered by the SDRWQCB in determining the amount of civil liability to assess. Following the hearing, the SDRWQCB may impose an amount of civil liability other than that proposed in this Complaint or revoke the complaint and refer the matter to the Attorney General for judicial assessment of civil liability (with higher maximum liabilities for each violation). Please direct questions about this matter to myself at (858) 467-2952.

Dated this 16th Day of December, 2002

By: 
John H. Robertus
Executive Officer